

NOV. 8, 2004 11:17AM

FOLEY 8587926773

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NO. 1404 P. 30



PTAS

OCTOBER 16, 2003

FOLEY & LARDNER  
BARRY S. WILSON  
PO BOX 80278  
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UNITED STATES DEPARTMENT OF COMMERCE  
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700048211A\*

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RECORDATION DATE: 10/14/2003

REEL/ FRAME: 014048/0892  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BUECHLER, KENNETH F., PH.D.

DOC DATE: 10/10/2003

ASSIGNEE:

BIOSITE DIAGNOSTICS, INC.  
11030 ROSELLE STREET  
SUITE D  
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09613650

FILING DATE: 07/11/2000  
PATENT NUMBER:  
ISSUE DATE:

PAULA MCCRAY, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Appendix A

NOV. 8, 2004 11:18AM FOLEY 8587926773 PAGE 3/5 NO. 1404 P. 31  
NOV. 14, 2005 5:05PM 8587926773 AND LARDNER NO. 4826 P. 2  
10/14/2003  
700048211 Atty. Dkt. No. 071949-1307

FORM PTO-1595 (modified) (Rev 8-92)		U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office	
<b>RECORDATION FORM COVER SHEET PATENTS ONLY</b>			
To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.			
1. Name of conveying party(ies):  Kenneth F. Buechler, Ph.D.		2. Name and address of receiving party(ies):  Biosite Diagnostics, Inc. 11030 Roselle Street Suite D San Diego, CA 92121	
Additional conveying party(ies) <input type="checkbox"/> NO			
3. Nature of conveyance:  ASSIGNMENT Execution Date: October 10, 2003		Additional name(s) & address(es) attached? <input type="checkbox"/> NO	
4. Application number(s) or patent number(s):  If this is being filed together with a new application, the execution date of the application is:			
A. Patent Application Number(s):  09/613,650		B. Patent Number(s):	
Additional numbers attached? <input type="checkbox"/> NO			
5. Name and address of party to whom correspondence concerning document should be mailed:  Barry S. Wilson FOLEY & LARDNER P.O. Box 80278 San Diego, California 92138-0278		6. Total number of applications/patents involved: <input type="checkbox"/> 1	
		7. Total fee (37 C.F.R. § 3.41): <input type="checkbox"/> \$40.00	
		Check Enclosed	
		<input checked="" type="checkbox"/> Charge to deposit account	
		8. Deposit account number: <input type="checkbox"/> 50-0872	
DO NOT USE THIS SPACE			
9. Statement and signature:  To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.			
Barry S. Wilson		<u>Barry Wilson</u>	
Name of person signing:		Signature	
		Date	
Total number of pages including cover sheet, attachments, and document: <input type="checkbox"/> 3			

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NO. 1404 P. 32



## Facsimile Transmission

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Fax Number: 18587926773  
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OCT 16 2003

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Atty. Dkt. No. 071949-1307

ASSIGNMENT AND AGREEMENT

WHEREAS, Kenneth F. Buechler, Ph.D. of PO Box 77, Rancho Santa Fe, CA 92067; (hereinafter referred to singly and collectively as "ASSIGNOR") have invented a certain invention entitled DIAGNOSTIC DEVICES AND APPARATUS FOR THE CONTROLLED MOVEMENT OF REAGENTS WITHOUT MEMBRANES (Atty. Dkt. No. 071949-1307) for which an application for United States Letters Patent was filed on July 11, 2000 as Application No. 09/613,650; and

WHEREAS, Biosite Diagnostics, Inc., a corporation duly organized and existing under the laws of the State of Delaware, and having its principal place of business at 11030 Roselle Street, Suite D, San Diego, CA 92121 (hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire interest therein;

NOW THEREFORE, in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, ASSIGNOR has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto ASSIGNEE, its successors and assigns, the full and exclusive right, title, and interest in and to (a) the above-identified invention or inventions and all improvements and modifications thereof, (b) the above-identified application and all other applications for Letters Patent of the United States and countries foreign thereto for the above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representatives or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by ASSIGNEE, its successors and assigns, in any such proceeding in the United States or a country foreign thereto; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue

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OCT. 8. 2003 5:28PM 58 792-6773 FOLEY AND LARDNER

NO. 1404 P. 34  
NO. 4230 P. 4

Atty. Dkt. No. 071949-1307

applications, renewals, assignments, powers of attorney, oaths, affidavits, declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

**ASSIGNOR HEREBY REPRESENTS AND WARRANTS** that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

**ASSIGNOR HEREBY GRANTS** to the law firm of Foley & Lardner the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

**ASSIGNOR UNDERSTANDS AND AGREES** that the attorneys and agents of the law firm of Foley & Lardner do not personally represent ASSIGNOR or ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

Executed this 10 day of Oct, 2003

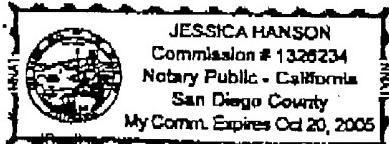
COPY

Kenneth Buechler

KENNETH F. BUECHLER, PH.D.

State of California  
County of San Diego

On this 10 day of October, 2003, before me, a notary public in and for said county, appeared KENNETH F. BUECHLER, PH.D., who is personally known to me to be the same person whose name is subscribed to the foregoing instrument, and he/she acknowledged that he/she signed, sealed, and delivered the said instrument as his/her free and voluntary act for the uses and purposes therein set forth.



  
Notary Public  
My Commission Expires: 10/20/05

NOV. 8 2004 11:19AM FOLEY 8587926773

NO. 1404 P. 35  
5,885,527



UNITED STATES DEPARTMENT OF COMMERCE  
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FEBRUARY 26, 1996

PTAS

MARY S. CONSALVI  
LYON & LYON  
633 WEST FIFTH STREET  
SUITE 4700  
LOS ANGELES, CA 90071-2066



\*100082475A\*

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RECORDATION DATE: 07/27/1995

REEL/FRAME: 7671/0380  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

BUECHLER, KENNETH F.

DOC DATE: 07/14/1995

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ASSIGNEE:

BIOSITE DIAGNOSTICS, INC.  
11030 ROSELLE STREET  
SUITE D  
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 08447891  
PATENT NUMBER:

FILING DATE: 05/23/1995  
ISSUE DATE:

REGINA COATES, EXAMINER  
ASSIGNMENT DIVISION  
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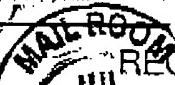
Appendix B

NOV. 8, 2004 11:19AM FOLEY 8587926773

FORM PTO-1595 MUR  
(Rev. 6-93) 7-27-95  
OMB No. 0651-0011 (exp. 4/94)

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To the Honorable Commissioner of Patents and Trade

RECORDATIC  
JUL  
27  
1995  
PAI

## 1. Name of conveying party(ies):

KENNETH F. BUECHLER

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- Assignment       Merger  
 Security Agreement       Change of Name  
 Other \_\_\_\_\_

Execution Date: July 14, 1995

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)  
08/447,891

## B. Patent No.(s)

Additional numbers attached?  Yes  No

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## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Mary S. Consalvi

Internal Address: Lyon &amp; Lyon

633 West Fifth Street, Suite 4700

Los Angeles, California 90071-2066

Street Address: 633 West Fifth Street

Suite 4700

City: Los Angeles State: CA ZIP: 90071

6. Total number of applications and patents involved:  ONE

7. Total fee (37 CFR 3.41).....\$ 40.00

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

12-2475

(Attach duplicate copy of this page if paying by deposit account)

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140 AA 08/11/95 08447891

1 581 40.00 CK

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Mary S. Consalvi  
Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and document: 3

213/225  
PATENTASSIGNMENT

WHEREAS, I, KENNETH FRANCIS BUECHLER, a citizen of the United States of America, residing at 12523 Manifesto Place, San Diego, California 92071, County of San Diego, State of California, have invented a new and useful DIAGNOSTIC DEVICES AND APPARATUS FOR THE CONTROLLED MOVEMENT OF REAGENTS WITHOUT MEMBRANES for which I have filed application papers for United States Letters Patent thereon, filed May 23, 1995; and

WHEREAS, Biosite Diagnostics Incorporated, a Delaware Corporation, having its address and principal place of business at 11030 Roselle Street, Suite D, San Diego, California 92121, is desirous of acquiring the exclusive right, title and interest in and to said invention and in and to the Letters Patent to be granted and issued therefor throughout the world.

COPY

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, I, the said KENNETH F. BUECHLER, do hereby sell, assign, transfer and set over unto the said Biosite Diagnostics Incorporated, its successors and assigns, the full and exclusive right, title and interest in and to the said invention, and in and to any and all Letters Patent to be granted and issued therefor, including all continuations,

213/225  
PATENT

continuations-in-part and/or divisional applications, not only for, to and in the United States of America, its territories and possessions, but for, to and in all countries throughout the world, including all priority rights under the International Convention and any other applicable laws or treaties; and I hereby authorize and request the United States Commissioner of Patents and Trademarks to issue said Letters Patent to said Biosite Diagnostics Incorporated, its successors and assigns, in accordance with this Assignment.

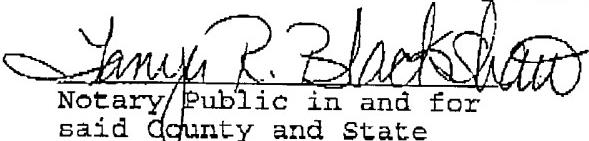
WITNESS MY HAND at San Diego, this 14<sup>th</sup> day of July,  
1995.

  
KENNETH FRANCIS BUECHLER

STATE OF CALIFORNIA )  
COUNTY OF SAN DIEGO )  
                      ) ss.  
                      )

COPY

On this 14 day of July, 1995, before me, the undersigned, a Notary Public for the State of California, personally appeared Kenneth Francis Buechler, personally known to me to be the person whose name is subscribed to the foregoing instrument and acknowledge to me that he executed the same.

  
Tanya R. Blackshaw  
Notary Public in and for  
said County and State

